

REMARKS

Claims 1-2 and 4-25 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

Applicant would like to thank the Examiner for the telephonic interview given on May 11, 2004. During this interview, the art cited by the Examiner was discussed in light of Claims 1, 13, 20 and 23. During this interview, an agreement as to Allowability of the claims as amended was not reached.

Support for Claims 13 and 23, including the amendments made in the previous response, are found throughout the originally filed application including the description, claims, and drawings. For example, paragraph 26 in the originally filed application indicates that the knee prosthesis 10, illustrated in Figure 1, includes a floating bearing 20. Moreover, paragraph [0030] describes that the floating bearing components include a central bore that is operable to engage a post to allow for a substantial freedom of movement of the floating bearing relative to the tibial component. Moreover, Figure 6 illustrates a bore 60 in the bearing 20 larger in each dimension than a post 62, thus, allowing motion in each direction. Moreover, Figures 8a-8d illustrate motion of the bearing 20 relative to a tibial component 46. Therefore, one skilled in the art would understand that the floating bearing is operable to move at any appropriate or operable direction during the articulation of the knee joint, such as rotation, medial-lateral translation, and posterior-anterior translation. It is understood, however, that because the floating bearing is not interconnected with the tibial component, the floating bearing is operable to move relative to the tibial component in any appropriate manner.

Serial No. 10/082,514

Page 12

DRAWINGS

Figure 2 has been amended to more clearly indicate the portions of the specification as amended.

SPECIFICATION

The specification stands objected to for certain informalities. Applicant has amended the specification accordingly. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 2 and 4-23 stand rejected under 35 U.S.C. §102(b) as being clearly anticipated by Moulin (French Patent No. FR 2 734 709) This rejection is respectfully traversed,

Independent Claim 1 has been amended to recite that "wherein said tibial component includes a tibial bone bearing engaging surface monolithic with said tibial bearing surface". Again, support for such an amendment is found throughout the originally filed application, including, but not limited to, Figures 4 and 5, that include a tibial component that includes a portion to engage the tibia 12 and a portion to engage the bearing component 20. Therefore, the amended Independent Claim 1 includes support in the originally filed application and is not anticipated by Moulin. In particular, Moulin describes, as the Examiner agrees, a prosthetic assembly that includes at least a stem 2, a shock absorbing material 4, and a guide track 5. See, Figure 1. Therefore, Moulin does not disclose a tibial component that includes a tibial bone bearing engaging surface monolithic with a tibial bearing surface. Independent Claim 1 includes a bearing

member that articulates with the tibial bearing surface. This is neither taught nor suggested by Moulin, either alone or in combination, with any of the art cited by the Examiner. Therefore, independent Claim 1 is allowable in light of the cited art, as are each of the claims depending directly or indirectly therefrom.

Independent Claim 13 recites "a femoral component ... a tibial component ... a bearing member ... a linkage mechanism ... wherein said bearing member is operable to translate in at least three of an anterior direction, a posterior direction, a medial direction, a lateral direction, and a rotational direction." Independent Claim 23 recites "attaching a tibial prosthetic component ... attaching a femoral prosthetic component ... installing a bearing member ... connecting the tibial prosthetic component to the femoral prosthetic component with a linkage, the linkage and the bearing member operable to allow the femoral prosthetic component to translate in the posterior direction and rotate during flexion of the joint and said bearing member to rotate relative to said tibial prosthetic component". As indicated above, such amendments to the claims include support in the originally filed application and do not include new subject matter. In addition, Moulin does not teach providing a bearing component that is able to rotate relative to a tibial component. As discussed previously, no portion of the Moulin prosthetic teaches allowing a rotation of the prosthetic, including a bearing member, relative to any portion of a tibial prosthetic component. In particular, no portion of the Moulin reference teaches providing a linkage that interconnects a tibial prosthetic component and a femoral prosthetic component while allowing rotation of the bearing member relative to the tibial prosthetic components. Therefore, both independent Claims 13 and 23 are not anticipated by Moulin. Moreover, both independent Claims 13

Serial No. 10/082,514

Page 14

and 23 are neither taught nor suggested, either alone or combination, by the art of record. Therefore, independent Claims 13 and 23 are in condition for allowance, including each of the claims depending directly or indirectly therefrom.

ALLOWABLE SUBJECT MATTER

Applicant thanks the Examiner for the indication of allowance of independent Claims 24 and 25. Applicant requests that each of the other presently pending claims be allowed such that Claims 1, 2, and 4-25 are indicated as allowed.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: May 18, 2004

By: Richard W. Warner

Richard W. Warner
Reg. No. 38,043

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

RWW/MLT/lkj

Serial No. 10/082,514

Page 16